

**DISTRICT COURT OF MARYLAND FOR**

LOCATED AT (COURT ADDRESS)

123 S. Liberty St, 2nd Fl.  
Cumberland, MD 21502

ALLEGANY COUNTY

**COMPLAINT/APPLICATION AND AFFIDAVIT  
IN SUPPORT OF JUDGMENT**☒ \$5,000 or under ☐ over \$5,000 ☐ over \$10,000Clerk: Please docket this case in an action of ☐ contract ☒ tort  
☐ replevin ☐ detinue ☐ bad faith insurance claim

The particulars of this case are:

**CV**

CASE NO.

**PARTIES**

Plaintiff

ARTHUR ROBINSON  
FED REG. 07705-015  
PO BOX 1000  
CUMBERLAND, MD 21501

VS.

Defendant(s):

1. ChexSystems, Inc.  
7805 Hudson Road, #100  
Woodbury, MN 55125  
(serve only on R/A below)Serve by:  
☐ Certified  
Mail  
☐ Private  
Process  
☐ Constable  
☐ Sheriff2. Corporation Trust Incorporated  
351 West Camden Street  
Baltimore, MD 21201  
(resident agent for ChexSystems)Serve by:  
☒ Certified  
Mail  
☐ Private  
Process  
☐ Constable  
☐ Sheriff3.   
Serve by:  
☐ Certified  
Mail  
☐ Private  
Process  
☐ Constable  
☐ Sheriff4.   
Serve by:  
☐ Certified  
Mail  
☐ Private  
Process  
☐ Constable  
☐ Sheriff**ATTORNEYS**

For Plaintiff - Name, Address, Telephone Number &amp; Code

Plaintiff sues Defendant for violations of the Fair Credit Reporting Act as well as violations of §14-1201 et seq of MD Commercial Law Article.

Plaintiff requested a consumer report on 9/2/15. Defendant has 15 days under the law to provide one, Defendant did not provide a copy of a consumer report within this time frame.

Plaintiff seeks \$1000 under FCRA damages and punitive damages of \$1000 allowed under §14-1213 (2) of Maryland Commercial Law Article.

**SEE ATTACHED**

(See Continuation Sheet)

The Plaintiff claims \$ 2000, plus interest of \$ 0,  
Interest at the ☐ legal rate ☐ contractual rate calculated at \_\_\_\_\_ %, from \_\_\_\_\_ to \_\_\_\_\_ (\_\_\_\_\_ days x \$ \_\_\_\_\_ per day) and attorney's fees of \$ \_\_\_\_\_ plus court costs.☐ Return of the property and damages of \$ \_\_\_\_\_ for its detention in an action of replevin.  
☐ Return of the property for its value, plus damages of \$ \_\_\_\_\_ for its detention in action of detinue.  
☐ Other: \_\_\_\_\_ and demands judgment for relief.

Signature of Plaintiff/Attorney/Attorney/Code

Printed Name: Arthur RobinsonAddress: PO BOX 1000, Cumberland, MD 21501

Telephone Number: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**MILITARY SERVICE AFFIDAVIT**☐ Defendant(s) \_\_\_\_\_ is/are in the military service.☒ No Defendant is in the military service. The facts supporting this statement are: \_\_\_\_\_Corporation Trust Incorporated is a national service of process company.

Specific facts must be given for the Court to conclude that each Defendant who is a natural person is not in the military.

☐ I am unable to determine whether or not any Defendant is in military service.

I hereby declare or affirm under the penalties of perjury that the facts and matters set forth in the foregoing Affidavit are true and correct to the best of my knowledge, information, and belief.

October 15, 2015

Date

Signature of Affiant

**APPLICATION AND AFFIDAVIT IN SUPPORT OF JUDGMENT**

Attached hereto are the indicated documents which contain sufficient detail as to liability and damage to apprise the Defendant clearly of the claim against the Defendant, including the amount of any interest claimed.

☐ Properly authenticated copy of any note, security agreement upon which claim is based ☐ Itemized statement of account ☐ Interest worksheet  
☐ Vouchers ☐ Check ☐ Other written document ☐ Verified itemized repair bill or estimate

I HEREBY CERTIFY: That I am the Plaintiff of the Plaintiff herein and am competent to testify to the matters stated in this complaint, which are made on my personal knowledge; that there is justly due and owing by the Defendant to the Plaintiff the sum set forth in the Complaint.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the above Complaint are true and I am competent to testify to these matters.

October 15, 2015

Date

Signature of Affiant



## NOTICE TO DEFENDANT

### Before Trial

If you agree that you owe the Plaintiff the amount claimed, you may contact the Plaintiff (or Plaintiff's attorney) before the trial date to arrange payment. If you wish to contest the claim, you should notify the clerk's office by filing a Notice of Intent to Defend (located at the bottom of your summons). The case will be set for trial. If you wish to have your witnesses appear at trial, you should contact the clerk's office at least two weeks before the trial date to request subpoenas, and you should bring to court on the trial date any evidence you want the Court to consider. If you do nothing, a judgment could be entered against you.

### If Judgment is Entered Against You (If You Lose)

**IF YOU DISAGREE WITH THE COURT'S RULING**, you may:

1. **APPEAL** to the Circuit Court, by filing a Notice of Appeal in the District Court within 30 days after the entry of judgment. You will have to pay a filing fee (see Guide to Appeal Fees, DCA-109A), unless the Court determines that you are indigent. If the amount of the claim, not counting court costs, interest, and attorney's fees, is:
  - more than \$5,000, you will also have to order and pay for a transcript of the District Court trial record, by contacting the District Court clerk's office (see Transcripts & Recordings Brochure, DCA-027BR).
  - \$5,000 or less, you will have a new trial in the Circuit Court.

On your trial date you should bring with you any evidence that you want the Court to consider.

2. File a **MOTION FOR A NEW TRIAL** within 10 days after the entry of judgment, stating your reasons clearly. If the Court denies your Motion, you may still file an appeal; if the Court grants your Motion, you must appear in the District Court for a new trial.
3. File a **MOTION TO ALTER OR AMEND THE JUDGMENT** within 10 days after entry of judgment.
4. File a **MOTION TO REVISE OR VACATE THE JUDGMENT** within 30 days after entry of judgment.

**IF YOU DECIDE NOT TO APPEAL AND NOT TO FILE ONE OF THE ABOVE MOTIONS**, you may contact the Plaintiff or Plaintiff's attorney to arrange to pay the amount owed. If you do not pay the amount owed, the Plaintiff or Plaintiff's attorney may initiate further proceedings to enforce the judgment, including:

1. **Interrogatories:** You must answer these written questions about your income and assets in writing under penalties of perjury.
2. **Oral Examination:** You must appear in court to testify in response to questions about your assets and income.
3. **Writ of Execution:** The Court may issue a writ requiring the sale or seizure of any of your possessions except, with some exceptions, property that is exempt from execution. The exemptions are explained in detail on the reverse side of the Writ of Execution form, DC-CV-040. Further, the Court could order you to pay additional expenses such as towing, moving, storage fees, advertising costs, and auctioneer's fees incurred in executing the writ.
4. **Garnishment of Property:** The Court may issue a writ ordering a bank or other agent to hold your assets until further court proceedings.
5. **Garnishment of Wages:** The Court may issue a writ ordering your employer to withhold a portion of your wages to pay your debt. The law provides certain exemptions from garnishment.

If you have any questions, you should consult an attorney. The clerk of the Court is not permitted to give you legal advice. More information can be found in court brochures located in the clerk's office or online at: [http://www.mdcourts.gov/district/public\\_brochures.html](http://www.mdcourts.gov/district/public_brochures.html).

## NOTICE TO PLAINTIFF

1. If the Court enters a judgment for a sum certain, you have the right to file for a lien on real property.
2. If you disagree with the outcome of the case, you have the same post-trial rights as the Defendant does: you may file an Appeal, a Motion for New Trial, a Motion to Alter or Amend the Judgment or a Motion to Revise or Vacate the Judgment. See above for further information concerning these rights.

IN THE DISTRICT COURT OF MARYLAND FOR ALLEGANY COUNTY

ARTHUR ROBINSON

(PLAINTIFF)

vs.

CHEXSYSTEMS, INC.

(DEFENDANT)

CIVIL ACTION NO:

\*\*\*\*\*

COMPLAINT

1. This lawsuit is brought under the Fair Credit Reporting Act, ("FCRA"), 15 U.S.C. §1681 et seq, and Maryland Commercial Law Article §14-1201 et seq.

JURISDICTION AND VENUE

2. This Court has jurisdiction under 15 U.S.C. §1681p  
3. This Court is the proper venue because the acts and transactions giving rise to Plaintiff's action occurred in Allegany County, Maryland. Plaintiff currently resides in Allegany County, Maryland, and the Defendant transacts business in Allegany County, Maryland. Pursuant to 15 U.S.C. §1681p, an action to enforce liability under this title (FCRA) may be brought in any appropriate United States District Court OR in any other court of competent jurisdiction. A substantial part of Plaintiff's claims rise under Maryland Law §14-1201, the Maryland Consumer Credit Protection Act.

PARTIES

4. The Plaintiff is a "consumer" as defined by 15 U.S.C. §1681a(c).  
5. The Defendant is an entity which at all times relevant is either a "consumer reporting agency" governed by and defined by 15 U.S.C. §1681a(f), or a "nationwide specialty consumer reporting agency", governed by and defined by 15 U.S.C. §1681a(x).  
6. Plaintiff, Arthur W. Robinson ("ROBINSON"), is a natural person who at all times relevant, resided at a federal prison camp located in the District of Maryland for Allegany County.



7. On or about September 2, 2015, Plaintiff attempted to procure his annual credit report from ChexSystems, Inc, pursuant to §609 and §612 of the Fair Credit Reporting Act.
8. In a letter (which is hereby attached to this Complaint with certain information redacted for privacy), Plaintiff clearly states his request for his annual consumer report, pursuant to the FCRA.
9. In the September 2, 2015 letter, Plaintiff also includes a copy of his Maryland Driver's License, US Dept. of Justice Prison ID, and notarized letter on prison letterhead attesting to the truthfulness and accuracy of his identification information witnessed by the Prison Notary.
10. As of October 12, 2015, Plaintiff has failed to receive his disclosure from ChexSystems, Inc. In other words, ChexSystems ignored the lawful request from the Plaintiff.
11. Upon information and belief, prison mail room authorities scan all outgoing mail for public safety and to monitor the mail-flow of prisoners. Federal prisoners use a special mailing label that is scanned with optical character recognition software that records ALL prisoner outgoing mail. A subpoena of the records will show that the Federal Prison Camp in Maryland recorded a piece of outgoing mail to ChexSystems on or about September 3, 2015. This information will be provided to the Court to satisfy proof of mailing to the Defendant.

COUNT 1-VIOLATION OF THE FAIR CREDIT REPORTING ACT

12. Plaintiff repeats and re-alleges each and every allegation above.
13. The FCRA at 1681g(a)(1) provides:  
Every Consumer Reporting Agency shall, upon request, and subject to §610(a)(1), clearly and accurately disclose to the consumer:  
(1) All information in the consumer's file at the time of the request.
14. The FCRA at 1681j(a)(2) provides:  
Free Annual Disclosure  
Timing. A consumer reporting agency shall provide a consumer report under paragraph (1) not later than 15 days after the date on which the request is received under paragraph (1).
15. ChexSystems, Inc had a duty to reply to Plaintiff's credit report request within 15 days after receipt. In other words, by September 20, 2015, Defendant should have disclosed under §1681j(a)(2).

16. Defendant has violated section 1681g(a)(1) §609, titled "disclosures to consumers", by failing to provide a consumer report on or about September 20, 2015.

17. Defendant has violated section 1681j(a)(2) §612, titled "Free annual disclosure-Timing.", by failing to provide a consumer report within 15 days of receipt of a lawful request.

18. The FCRA at 1681n(a)(1)(A) provides:

Any person who willfully fails to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of:

(1)(A) any actual damages sustained by the consumer as a result of the failure or damages of not less than \$100 and not more than \$1000.00.

WHEREFORE, the Plaintiff prays for relief and judgment as follows:

- (A) Adjudging that Defendant violated 15 U.S.C. §1681g(a)(1);
- (B) Adjudging that Defendant violated 15 U.S.C. §1681j(a)(2);
- (C) Awarding Plaintiff the sum of \$1000 for the aforesaid FCRA violations as allowed in §1681n(a)(1)(A).
- (D) Awarding Plaintiff the costs of this action;
- (E) Awarding such other and further relief as the Court may deem just and proper.

COUNT 2-VIOLATION OF MARYLAND COMMERCIAL LAW ARTICLE 14-1201 et seq.

19. The Plaintiff repeats and re-alleges each and every allegation above.

20. The Maryland Commercial Code §14-1206 provides:

(a) a consumer reporting agency shall, upon request and proper identification of a consumer, provide to the consumer:

- (1) an exact copy of any file on that consumer;
  - (2) a written explanation of codes or trade language used;
  - (3) a description of the rights of the consumer under this subtitle;
- and

(4) the name, address, and telephone number of the Commissioner (referring to the Maryland Commissioner of Financial Regulation)

21. The Defendant, by failing to provide the disclosures prescribed under §14-1206 is in violation of this subtitle.

22. The Maryland Commercial Code §14-1213 provides:

(a) any consumer reporting agency or user of information which willfully fails to comply with any requirement imposed under this subtitle with respect to any consumer is liable to that consumer in an amount equal to the sum of:

- (2) such amount of punitive damages as the court may allow; and
- (3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.



WHEREFORE, the Plaintiff prays for relief and judgment as follows:

- (A) Adjudging that Defendant violated Maryland Commercial Law Article §14-1206 by failing to provide a consumer report in a timely manner;
- (B) Awarding the Plaintiff the sum of \$1000 for the aforesaid §14-1201 violations;
- (C) Awarding Plaintiff the costs of this action; and
- (D) Awarding such other and further relief as the Court may deem just and proper.

23. The Plaintiff requests a total judgment in the amount of \$2000.00 (TWO THOUSAND DOLLARS).

#### CONCLUSION

24. The Plaintiff is a federal prisoner. The mere nature of his incarceration makes him extremely vulnerable to ID theft. In fact, the Consumer Financial Protection Bureau recommends that Prisoners close to release, should check their consumer reports. Plaintiff ordered copies of all his consumer reports to see what information was out there on him. This Defendant was one of a very few that failed to even respond to Plaintiff's request. There is no excuse for ChexSystems outright dismissal of Plaintiff's request. Plaintiff understands that the FCRA allows for proper identification to be requested under §610, but Plaintiff already provided that to Defendant in his September 2, letter. Additionally, the Defendant could have verified the status of Plaintiff by checking the "BOP inmate locator" online at [www.bop.gov](http://www.bop.gov). There is no excuse or logical reason why ChexSystems has ignored Plaintiff's lawful request. A strong message needs to be sent to consumer reporting agencies that they must provide equal access to consumer reports, even to those who are incarcerated. Send this message by awarding Plaintiff a money judgment of \$2000.00. Thank you.

RESPECTFULLY SUBMITTED:

  
Arthur Robinson, Plaintiff pro-se

10/15/2015

Arthur Robinson  
Fed. Reg. No. 07705-015  
Federal Prison Camp  
PO BOX 1000  
Cumberland, MD 21501-1000

Chex Systems, Inc.  
Attn: Consumer Relations  
7805 Hudson Road, Ste 100  
Woodbury, MN 55125

September 2, 2015

RE; Request for FREE copy of my annual report per FACTA and the FCRA

To whom it may concern:

I am requesting that you provide me a copy of my consumer report, and all information on file under my name, driver license and social security number, pursuant to the Fair Credit Reporting Act, and Fair and Accurate Credit Transaction Act.

I am entitled to a free disclosure under §609 and §612 of the FCRA.

Pursuant to §612, please provide me my consumer report no later than 15 days after the receipt of this letter.

My personal identifying information is below. I am currently incarcerated, and I wish to have the information sent to me, as I fear that I may be a victim of identity theft, if my information is sent elsewhere.

Please act on this request in a timely manner. I have also enclosed a copy of my prison ID, as well as valid Maryland Driver License.

Name: Arthur Willis Collier Robinson (a/k/a Arthur Willis Collier)  
Prev address: 9848 Notting Hill Drive, Frederick, MD 21704  
Prev address: 502 Glenbrook Drive, Middletown, MD 21757  
Date of Birth: [REDACTED]  
Social Security Number: [REDACTED] 9001  
Driver License #: C-461 [REDACTED] Issued [REDACTED] 2013, expires [REDACTED] 2020.  
Prev. Addr 3: 3608 John Simmons Ct, Frederick, MD 21704  
Prev. Addr 4: 9151 Bealls Farm Road, Frederick, MD 21704

I look forward to your disclosure of my credit (consumer) report in a timely manner.

Thank you,

Arthur Robinson

cc: File

*Redacted copy of  
9/2/15 letter  
original to be provided  
to court in person!*

